

**REMARKS**

Claims 1-4 and 6-24 are pending in the application.

Claims 1-4 have been rejected.

Claims 6-24 have been withdrawn by the Examiner.

Claim 1 has been amended as set forth herein.

Claims 1-4 remain pending in this application.

Reconsideration of the claims is respectfully requested.

**I. ELECTION/RESTRICTIONS**

The Examiner asserted that Invention I (Claims 1-4) and Invention II (newly submitted Claims 6-24) are related as combination and subcombination and are distinct because the combination as claimed does not require the particulars of the subcombination. Because Applicant had received an action on the merits of Claims 1-4, the Examiner considered Invention I to have been constructively elected and withdrew Claims 6-24 from consideration.

To overcome the restriction requirement, Applicant has amended Claim 1 to recite a video improvement circuit configured to perform the steps of the method recited in Claim 6. With this amendment, Applicant submits that Inventions I and II are no longer distinct, because the combination as claimed now requires the particulars of the subcombination.

Accordingly, Applicant respectfully requests that the Examiner withdraw the restriction requirement with respect to these claims.

## II. CLAIM REJECTIONS -- 35 U.S.C. § 102

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,697,122 to *Kim*, hereinafter “Kim”. This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Amended independent Claim 1 recites a switched input video device that includes a video improvement circuit. The video improvement circuit is configured to receive a video signal that complies with a standard, sense one or more blanking portions of the video signal, and alter the video signal during a portion of the video signal other than the one or more blanking portions, where the altered portion of the video signal does not comply with the standard and the alterations improve a characteristic of the video signal. Applicant respectfully submits that Kim does not describe such a video improvement circuit.

For at least these reasons amended independent Claim 1 is patentable over Kim. Claims 2-4 depend from Claim 1 and include all the limitations of Claim 1 and, therefore, also are patentable over Kim.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 102 rejection with respect to Claims 1-4.

**CONCLUSION**

As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests an early allowance of such claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at [wmunck@munckcarter.com](mailto:wmunck@munckcarter.com).

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

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William A. Munck  
Registration No. 39,308

P.O. Drawer 800889  
Dallas, Texas 75380  
(972) 628-3600 (main number)  
(972) 628-3616 (fax)  
E-mail: [wmunck@munckcarter.com](mailto:wmunck@munckcarter.com)